

**United States District Court**  
Eastern District of Michigan

**In RE: Leah Briton**, Material Witness

United States of America

v.

Rashem, Defendant

**ORDER OF DETENTION PENDING****Rule 15 Deposition**

Case Number: 05X73664

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the Material Witness pending trial in this case.

**Part I – Findings of Fact**

(1) I find that:

- ☐ there is probable cause to believe that the defendant has committed an offense  
☐ for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841 or \_\_\_\_\_;  
☐ under 18 U.S.C. § 924(c).

(2) I further find that the defendant has not rebutted the presumption established by finding that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

**Alternative Findings**

X I find that the government has established by a preponderance of the evidence that there is a serious risk that the Material Witness will not appear.

X I find that the government has established by clear and convincing evidence that there is a serious risk that the Material Witness will endanger the safety of another person or the community.

**Part II – Written Statement of Reasons for Detention**

I find that the credible testimony and information submitted at the hearing established the following factors under 18 U.S.C. § 3142(g):

- X (a) nature of the offense–alien smuggling  
X (b) weight of the evidence–found at train tunnel  
X (c) history and characteristics of the Material Witness -long term resident of U.S., husband in New York with green card, children ages 4 & 5 with health issues in New York are US citizens, no prior record.  
X 1) physical and mental condition–health good except for prolonged jail confinement  
X 2) employment, financial, family ties–husband employed in construction, appears witness is full time mom.  
X 3) criminal history and record of appearance–no criminal history, denied reentry to U.S. after visiting parents in Israel and overstaying.? (not clear reason why)  
X (d) probation, parole or bond at time of the alleged offense–N/A  
X (e) danger to another person or community.–None

**Part III – Directions Regarding Detention**

The Material Witness is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The Material Witness shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the Material Witness to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Date: 9/27/05s/Virginia M. Morgan*Signature of Judge*Virginia M. Morgan, United States Magistrate Judge*Name and Title of Judge*